

Appl. No. 10/573,184  
Submission dated November 12, 2008  
Reply to Final OA of June 11, 2008

**REMARKS**

Claims 14-34 remain in this application.

Claims 15 and 17 have received some clarifying changes.

Claim 33 and 34 has been amended so as to recite that the fuel system for the engine and the delivery system for delivering the active ingredient to the exhaust system are entirely separate systems and have no components in common with each other.

Previously the examiner rejected claims 14-24 and 26-34 as anticipated by Peter-Hoblyn et al. But it is pointed out that this reference lacks several limitations which are recited in these claims, so that any further attempt at rejecting these claims under 35 USC 102 clearly would not proper.

In particular, it is noted that claim 33 includes the limitation that the fuel system and exhaust treatment delivery device are entirely separate, which is a limitation which Peter-Hoblyn et al. does not have or in any way disclose. Accordingly the rejection of claim 33 under 35 USC 102 was not proper. The examiner has argued that from separator 20 on the systems of Peter-Hoblyn et al. are entirely separate. This is not correct. At 34 Peter-Hoblyn et al. disclose a mechanism wherein fuel from the exhaust treatment system can be reintroduced into the fuel system. This line 34 will deliver material from surge tank 30 through mixer 29, see column 9 line 19 (and also element 129 and 229 in figures 2 and 3) to the injectors 42 as recited in column 9 lines 16-19. Thus in Peter-Hoblyn et al. the two systems are not entirely separate as recited in both of claims 33 and 34.

However, to further bolster this limitation, the phrase "having no common components"

Appl. No. 10/573,184  
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has been added to both of claims 33 and 34 so that they even more clearly define over Peter-Hoblyn et al. in this respect.

Further, as previously argued, Peter-Hoblyn et al. does not contain any disclosure as to the surge tank 30 being a pressure reservoir capable of being able to store the active ingredient under pressure as recited by claim 33.

The examiner has argued that since there is no pump between surge tank 30 and line 44, that this is evidence that surge tank 30 is pressurized. But it is pointed out that in figure 3 Peter-Hoblyn et al. show a pump 234, which is described in column 11 lines 10-12. Since surge tank 230 and 30 are **fully equivalent**, see Peter-Hoblyn et al. at column 10 lines 37-38, the examiner's assumption that surge tank 30 is pressurized is only that, an assumption. Peter-Hoblyn et al. give no indication that tank 30 is pressurized. And further, the full disclosure of Peter-Hoblyn et al. indicates to the contrary, indicating that a pump is needed between tank 30 and exhaust pipe 44, since tanks 30 and 230 are equivalent.

Moreover, Peter-Hoblyn et al. recite a mixing means 29 at column 9 line 19, but do not show this mixing means in figure 1. Peter-Hoblyn et al. do show mixing means 129 and 239 in figures 2 and 3. Thus it is apparent that Peter-Hoblyn et al. have missed showing other components in figure 1, and it becomes possible, and maybe even probable, that Peter-Hoblyn et al. intended to show a pump 34 similar to pump 234 but their draftsman missed placing it in figure 1.

**In any event, the examiner's assumption is totally improper and does not support a rejection under 35 USC 102.** Not only does Peter-Hoblyn et al. not teach a pressurized surge

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tank 30, Peter-Hoblyn et al. teach away from the surge tank being pressurized. The full disclosure of Peter-Hoblyn et al. teaches away from what the examiner has assumed for tank 30.

Moreover, what Peter-Hoblyn et al. does disclose at column 9 lines 15-25, is that surge tank 30 is filled until level sensor 31 detects that it is full to its intended level. As soon as surge tank 30 is full, the aqueous NO<sub>x</sub> reducing agent is lead directly into the exhaust line 44 via line

**25. And at that point any excess reducing agent passes from surge tank 30 through line 34 and is mixed back with the fuel and is combusted with the fuel.** Thus, the reference to Peter-Hoblyn et al. avoids pressure buildup in surge tank 30 by allowing excess aqueous NO<sub>x</sub> to be lead back to the fuel system. This brings the two systems back together and clearly negates the reading of the two systems in Peter-Hoblyn et al. being entirely separate.

The difference from applicants' system is further amplified by Peter-Hoblyn et al. using the term "surge" tank, as this even further points to the tank 30 being a buffer tank which is filled only to a certain level, rather than to a pressure reservoir which is filled and pressurized.

Thus, as shown above, any rejection of the claims under 35 USC 102 as anticipated by Peter-Hoblyn et al. is not a proper rejection.

Claims 17 and 34 include further material which also is not found in the Peter-Hoblyn et al. reference. In particular, at column 8 lines 41-43 Peter-Hoblyn et al. disclose only a very general regulation of the flow of the NO<sub>x</sub>, reducing agent. Further, at lines 59-60, Peter-Hoblyn et al. disclose that it is desirable to be able to control reagent feed, as well as close it down as desired. There is no disclosure in Peter-Hoblyn et al. as to control and/or regulation of the **pressure** in the pressure reservoir, nor is there any disclosure of controlling the time at which the

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injection of the active ingredient occurs. Column 8 lines 52-54 of Peter-Hoblyn et al. do not relate to the injection timing of the active ingredient into the exhaust gas, but rather to the timing of injecting fuel into the combustion chamber. And there is nowhere else in the Peter-Hoblyn et al. reference which speaks of timing of the injection of the active ingredient into the exhaust gas.

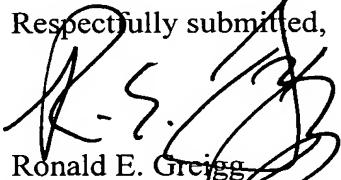
In a rejection of claim 25 the examiner has relied on the references to Peter-Hoblyn et al. and Goerigk et al. But the reference to Goerigk et al. does not supply any of the deficiencies which Peter-Hoblyn et al. has as a reference against these claims. In particular, Goerigk et al does not include any disclosure of controlling or regulating the pressure in the pressure reservoir. Likewise, Goerigk et al does not include any disclosure of controlling the time at which the injection of the active ingredient occurs. And Goerigk et al. does not teach that the fuel supply system should be entirely separate from the exhaust treatment system.

In fact, none of the other cited prior art includes any teaching of these two limitations which are recited in the claims. And thus the prior art does not include a complete teaching of the invention as recited in applicants' claims. Accordingly, there can be no proper rejection under either 35 USC 102, or under 35 USC 103 based on the prior art which has previously been cited in this application.

For all of the above reasons, singly and in combination with each other, entry of this amendment, examination of the claims, and a corresponding allowance of the claims are courteously solicited.

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The Commissioner is authorized to charge an extension of time fee, or any other necessary fees in connection with this communication, to Deposit Account Number 07-2100.

Respectfully submitted,  
  
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